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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,539	12/17/2001	Markus Valter Witte	201-0027	2834
22844	7590	06/10/2004	EXAMINER	
FORD GLOBAL TECHNOLOGIES, LLC. SUITE 600 - PARKLANE TOWERS EAST ONE PARKLANE BLVD. DEARBORN, MI 48126			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	6

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,539

Applicant(s)

WITTE ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5,7-8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Robert (US 6169497).

Regarding claim 1, Robert discloses a communication system for use with a vehicle, comprising: a first communication unit (fig. 1, 18), located within a vehicle (fig. 1, 16), and a portable second communication unit (fig. 1, 20 or 12 or 14; col. 4, lines 29-38), said first communication unit comprising a first memory circuit (fig. 1, 28; and fig. 3, 58) being connected with a first transceiver (fig. 1, 28; and fig. 3, 50), and said second communication unit comprising a second memory circuit (fig. 1, 20 or 12 or 14; col. 4, lines 29-38, fig. 1, 28; and fig. 3, 58) connected with second transceiver (fig. 1, 20 or 12 or 14; col. 4, line 29 to col. 6, line 12), said transceiver being arranged to establish a short-distance wireless communication link between said first and second communication units when the communication units are within a communication range from each other, (see fig.1 and col. 5, lines 1-14, walkie-talkie system), thereby enabling two-way radio communication between said communication units (see fig.1 and col. 5, lines 1-14), whereby an information item, stored in any one of said memory circuits is

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transmittable to the other one of said memory circuits, over said wireless communication link when the communication units are within said communication range from each other (see fig. 1; col. 5, lines 1-67; col. 5, lines 15-30).

Regarding claim 2, Robert also discloses said second communication unit is a portable fob (see col. 7, lines 33-36); a fob unit, for use in a communication system (see col. 7, lines 33-36).

Regarding claim 3, Robert also discloses wherein said second communication unit is connectable to an external information source, such as a personal computer (see col. 5, lines 44-55 and fig. 1), in order to establish an information transmission link between said external information source and said second communication unit.

Regarding claim 4, Robert also discloses wherein said second communication unit is connectable with a unit for long-distance wireless communication, such as a cellular terminal, and said first communication unit is connectable with a long-distance wireless communication network (fig. 1, satellite 23), such as a cellular network, whereby a two-way connection between the first and second communication units is established by connecting said terminal with said first communication unit over said network (see fig. 1; col. 2, lines 6-67).

Regarding claim 5, Robert also discloses wherein said first and second communication unit each comprises an identification item, whereby a request for connection from any communication unit is tested to be qualified before enabling a connection between said communication units (see col. 5, lines 30-56; fig. 1 and 2).

Regarding claims 7-8, Robert also discloses wherein said first communication unit is connected with at least one vehicle data network, such as a controller area network, within said

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vehicle (see fig. 1 and 3 and col. 5, line 1 to col. 8, line 22); wherein said first communication unit is connected with a vehicle computer within said vehicle (see fig. 1 and 3 and col. 5, line 1 to col. 8, line 22).

Regarding claims 10-11, the communication system of Robert also discloses wherein said second communication unit further comprises a biometric sensor, for identifying a user (see col. 5, lines 30-43 and col. 8, lines 38-67; col. 7, lines 34-61); wherein the output of said biometric sensor is used to classify users in order to give different users different access to the vehicle (see col. 5, lines 30-43 and col. 8, lines 38-67; col. 7, lines 34-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robert (US 6169497) in view of Logan (US 6631271).

Regarding claim 6, the communication system of Robert is silent to mention wherein said second communication unit is integrated with a cellular terminal. However, Logan discloses said second communication unit is integrated with a cellular terminal (see fig. 1 and col. 2, lines 44-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to provide the above teaching of Logan to Robert so that user not only uses cell phone to communicate each other but user also use the cell phone to control user's car.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robert (US 6169497) in view of Cook (US 4606307).

Regarding claim 9, the communication system of Robert is silent to mention wherein said second communication unit further comprises a clock device. However, Cook mentions said second communication unit further comprises a clock device (see col. 1, lines 5-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of cook to Robert so that user can start a vehicle at a preselected time of day and/or from a remote location at any desired time by using the second communication.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen


ERIK A GARY
PATENT EXAMINER